

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Emmanuel Martinez

v.

Case No. 23-CV-477-SE-AJ

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Amended Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 15, 2024. For the reasons explained therein, the case is dismissed without prejudice as the petitioner has not paid the filing fee in this matter or filed a motion to obtain in forma pauperis status, and the Warden's motion for summary judgment (Doc. No. 4) is denied without prejudice as moot. ("'[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

The clerk is directed to enter judgment and close this case.



Samantha D. Elliott
United States District Judge

Date: June 28, 2024

cc: Emanuel Martinez, pro se
Counsel of Record